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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,425	02/15/2002	Tena Youngblood	TY0201US	3573

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ART UNIT	PAPER NUMBER
2632	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/077,425	YOUNGBLOOD, TENA	
	Examiner	Art Unit	
	Benjamin C. Lee	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 0103*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. **Claims 1-2, 4-5, 7-8 and 11-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US pat. #5,155,474) in view of Carroll et al. (US pat. #5,371,489), Ferraro (US pat. #5,818,338) and Rodhall et al. (US pat. #5,463,595).

1) In considering claims 1, 4 & 7:

a) Park et al. disclosed a portable motion-sensing light (Figs. 1 & 3, whereby since the power supply can be unplugged on 58 and the device can be un-mounted, it is portable) comprising a housing assembly(16, 12, 30); a sensor (10) mounted on the housing assembly and electrically coupled to a control circuit (66) inside the housing assembly coupled to a lamp socket (sockets for lamp 18, 20 in Fig. 1) disposed on the housing assembly configured to accept a light bulb (18, 20); an electrical power plug (58) configured to provide electrical power to the portable motion-sensing light when the electrical plug is plugged into an electrical socket and being connected to electrical connections within the housing assembly (col. 4, lines 64-67 and col. 5, lines 41-50; Figs. 2-3); and means for mounting the portable motion-sensing light on a support structure (Fig. 1);

while:

b) Carroll et al. disclosed the use of a power cord (30) with an electrical plug (32) on a first end of the power cord, and a second end of the power cord directly connected to electrical connections of the device for providing electrical power to a motion-sensing light when the plug is plugged into an electrical socket (Fig. 2 and corresponding disclosure);

c) Ferraro teaches that motion-actuated lights (similar to that of park et al. according to respective figures) can be mounted outdoors for outdoor use (Fig. 1 and col. 1, lines 16-20), and Rodhall et al. teaches the use of a watertight/sealed housing for an outdoor motion-sensing device, so that circuit and electrical connections from a power cord are within a sealed housing, including the use of welding between first and second housing portions (Abstract; col. 4, lines 10-13 & 30-41; and col. 5, lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use an electrical power cord having a power plug such as taught by Carroll et al. in place of the power plug receptacle 58 of Park et al. on the housing as an alternative so that a separate power cord/cable is not required.

While the light sockets are connected to the housing 30 via housing portion 12 instead of directly disposed on housing portion 30 in Fig. 1 of Park et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention such housing design constitutes an obvious housing design choice that depends on various factors such as user preference and aesthetics, etc. so that a housing design with the light sockets disposed on the housing portion 30 can be chosen if so preferred.

In view of the teachings by Park et al., Carroll et al., Ferraro and Rodhall et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a motion-actuated light such as taught by Park et al. and Carroll et al. can be mounted outdoors such as taught by Ferraro as an outdoors intended use, and in such case that a watertight, sealed housing should be used such as taught by Rodhall et al. to protect the device and its components from the elements.

2) In considering claim 2, Park et al., Carroll et al., Ferraro and Rodhall et al. made obvious the claimed subject matter as in claim 1, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that electrical housing structures such as that taught by Park et al., Carroll et al., Ferraro and Rodhall et al. are implemented in 2 halves (first and second housing portions) to facilitate assembly, and that in order to provide the sealed, watertight effect, a well known use of gasket can be employed at the junction.

3) In considering claim 5, Park et al., Carroll et al., Ferraro and Rodhall et al. made obvious the claimed subject matter as in claim 1, wherein:

--It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that sealing of (first and second) housing portions to provide a sealed housing for a device such as taught by Park et al., Carroll et al., Ferraro and Rodhall et al. can be done using conventional sealing means such as an adhesive sealant.

4) In considering claim 8, Park et al., Carroll et al., Ferraro and Rodhall et al. made obvious the claimed subject matter as in claim 7, including:

--claimed means for mounting the light on a support structure includes a mounting member on a back of the sealed housing configured to removably couple to a mating member disposed on a mounting support (mounting arrangement shown Fig. 1 of Park et al. for conventional wall mount).

5) In considering claims 11-12, Park et al., Carroll et al., Ferraro and Rodhall et al. made obvious all of the claimed subject matter as in the consideration of claim 1.

6) In considering claims 13-15, Park et al., Carroll et al., Ferraro and Rodhall et al. made obvious all of the claimed subject matter as in claim 11, including:

--the claimed removable and re-mountable/re-pluggable capability is met by the reusable mounting shown in Fig. 1 of Park et al. and the use of a power cord plug as established in the consideration of claim 1/11 above.

2. **Claims 6 and 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. in view of Carroll et al., Ferraro, Rodhall et al. and Crane et al. (US pat. #4,890,318).

1) In considering claim 9:

a) Park et al. disclosed a portable motion-sensing light (Figs. 1 & 3, whereby since the power supply can be unplugged on 58 and the device can be un-mounted, it is portable) comprising a housing (16, 12, 30) with a back; a sensor (10) mounted on the housing and electrically coupled to a control circuit (66) coupled to a lamp socket (sockets for lamp 18, 20 in Fig. 1) configured to accept a light bulb (18, 20); an electrical power plug (58) configured to provide electrical power to the portable motion-sensing light when the electrical plug is plugged into an electrical socket (col. 4, lines 64-67 and col. 5, lines 41-50; Figs. 2-3); and means for mounting the portable motion-sensing light on a support structure (Fig. 1);

while:

b) Carroll et al. disclosed the use of a power cord with an electrical plug on an end of the power cord for providing electrical power to a motion-sensing light when the plug is plugged into an electrical socket (30, 32 of Fig. 2);

c) Ferraro teaches that motion-actuated lights (similar to that of park et al. according to respective figures) can be mounted outdoors for outdoor use (Fig. 1 and col. 1, lines 16-20), and

Rodhall et al. teaches the use of a watertight housing for an outdoor motion-sensing device, so that circuit and electrical connections from a power cord are within a sealed housing, including the use of welding between first and second housing portions (Abstract; col. 4, lines 10-13 & 30-41; and col. 5, lines 15-19); and

d) Crane et al. further teaches the known use of closed-cell foam within the housing around entry points to provide sealing of the internal components from the environment (col. 5, lines 3-11).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use an electrical power cord having a power plug such as taught by Carroll et al. in place of the power plug receptacle 58 of Park et al. on the housing as an alternative so that a separate power cord/cable is not required.

In view of the teachings by Park et al., Carroll et al., Ferraro and Rodhall et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a motion-actuated light such as taught by Park et al. and Carroll et al. can be mounted outdoors such as taught by Ferraro, and in such case that a watertight, sealed housing should be used such as taught by Rodhall et al. to protect the device and its components from the elements.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that in providing a water-tight, sealed housing in a device such as taught by Park et al, Carroll et al., Fearraro and Rodhall et al. where power cord entry, sensor wire entry and lamp socket wire entry are present, they constitute water/moisture entry points, and a sealing arrangement including the known use of closed cell foam seal such as taught by Crane et al. can be used on and around those entry points.

2) In considering claim 6, Park et al., Carroll et al., Ferraro and Rodhall et al. made obvious the claimed subject matter as in claim 1, plus the consideration of claim 9 further in view of Crane et al.

3) In considering claim 10, Park et al., Carroll et al., Ferraro, Rodhall et al. and Crane et al. made obvious the claimed subject matter as in claim 9, plus the consideration of claim 8 above.

Response to Affidavit

3. The Affidavit under 37 CFR 1.132 filed 11/20/03 is insufficient to overcome the rejection of claims 1-2 and 4-15 as set forth in the Office action because:

I: Addressing the points made in the Affidavit:

a) The lack of a single prior art in the face of demand for the claimed invention does not constitute proof that the claimed invention is not obvious, since there are many reasons for the lack of prior art, such as lack of commercial interest in the face of considerations regarding obstacles in commercialization, marketing and costs. Similarly, Applicant's alleged commercial success does not directly or by itself indicative of non-obviousness. Furthermore, the combination of prior art as used in the Office action rejection rendered the claimed invention obvious.

b) The prior art combination has sufficient motivation. Park et al. teaches a motion sensing light using an electrical plug, making it portable, that is not specified as being limited to indoor or outdoor use, while Ferraro specifically indicated that such motion sensing light can be used outdoors. Carroll et al. teaches using a power cord instead of a plug. Rodhall et al. teaches water-proofing an outdoor sensing device and Crane et al. teaches the known use of closed-cell

foam in weather proof features. One skilled in the art would have recognized that a motion-sensing light of Park et al. can be used in an outdoors environment as taught by Ferraro as an intended use, the power cord of Carroll et al. as an alternative to the mere plug of Park et al. for eliminate need for a separate power cord for convenience, and the waterproofing of the housing portions taught by Rodhall et al. and Crane et al. in lieu of the outdoors use to protect the device from environmental damage.

c) In conclusion, Applicant's Affidavit is not deemed persuasive.

Response to Arguments

4. Applicant's arguments filed 11/20/03 have been fully considered but they are not persuasive.

1) Applicant's arguments regarding claims 1, 7-11 and 13-15 were directed to the claims as amended. Rejection of these claims have been made above using new ground of rejection by use of new prior art (Carroll et al.) that meets all claimed limitations including the argued power cord detail (see above rejection for detail). Regarding the required adjustment of the camera of Park et al., such requirement or feature does not preclude the modification required to meet the claimed invention as analyzed in the rejection. Regarding motivation, it can come from any of the primary reference, the secondary reference(s), conventional wisdom/well known practice of one skilled in the art, and motivation has been addressed for each and every modification or combination in the rejection.

2) Regarding claims 8 and 10, the claimed removably coupled housing feature is broadly claimed in such a way that is met by the prior art references as set forth in the rejection.

3) The integrated power cord feature of amended claim 11 has been addressed in lieu of the new ground of rejection above.

4) Regarding claims 4-5, welding the 2 housing portions shut does not preclude separate access means for the camera or its films.

5) Regarding claims 6 and 9-10, since Rodhall teaches the desirability of sealing moisture entry points including power plug point while Crane disclosed using closed cell foam as the sealing material of choice, one skilled in the art would have readily recognized that power cord entry, sensor wire entry and lamp socket wire entry are present and constitute water/moisture entry points, so that water proofing/sealing such as taught by Rodhall using sealing material such as taught by Crane et al. can be used on and around those entry points.

6) The Affidavit has been addressed above.

7) In conclusion, the rejection is maintained.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Nilssen, US pat. #5,691,603

--A known use of integrated power cord with plug at one end for outdoor lighting (Fig. 19).

2) Poyer, US pat. #4,692,848

--Evidence of obviousness of sealed wire entry points in outdoor lighting devices (col. 2, lines 49-56).

3) Kuelbs, US pat. #6,612,713

--A similar outdoor light using power cord.

4) MacKay, US pat. #5,831,391

--A similar motion sensing light with power cord and plug (IP in Fig. 1).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (703) 306-4223. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.
2/8/04